

1893-003 Chancery Causes: Jesse R. Edds vs. Amanda Edds, widow of
Lee Co. 14

- Deed

CA - Estate Dispute
T - Property

To The Honorable John A Kelly Judge of
the Circuit Court of Lee County Va

Humbly complaining your orator
Jesse R Edds would respectfully show to
your Honor That he and one William Ham-
blen purchased a tract of land situated
in said County from one Abbot L. Cole
which will more fully appear by reference
to the deed of said Cole & wife a copy of which
is here filed marked (A) That shortly after
this purchase was made the said Wm Hamblen
died intestate and unmarried & without issue
and that his interest in said land being an equal
moiety thereof descended to his father John Ham-
blen, That sometime thereafter the said John
Hamblen conveyed his interest in said land
to one Robt H Edds the brother of your orator
as will fully appear by reference to the deed of
said Hamblen & wife a copy of which is here
filed marked (B) That since that time the
said land has been held jointly by the said
R H Edds and your orator up to the death of
the said R H Edds which occurred something
more than a year ago when his interest in
said land descended to his heirs law to wit
his widow Amanda Edds and the following chil-
dren to wit Margerith Edds Henry Edds Edna
Edds Charles Edds and Martha J Edds.

These children are all infants under the age
of 21 years. Your orator will further state that
the said R^H Edds at his death left other and
very valuable real estate out of which dower can
be assigned her and which would perhaps
be selected by her as the mansion house is said
Your orator will here further show your Honor
that he is entitled to have said Tract of land
partitioned, but that it is doubtful whether
or not from the peculiar manner in which said
land is located and cut up by public roads, it
can be partitioned without very materially in-
juring its value. Now the object of this
bill is to have said land partitioned between
your orator and the heirs at law of R^H Edds
if the same can be done without materially
injuring the value of said land, and if this
cannot be done then to have said land sold
and the proceeds of sale partitioned, and being
without remedy at common law he prays
your Honor as a Court of Chancery to take
cognizance thereof, and by proper orders
and decrees grant the proper relief. To this
end he prays that Amanda Edds widow of
R^H Edds dec^d, Margaret Edds Henry Edds
Ida Edds Charles Edds and Martha J Edds
children and heirs at law of R^H Edds dec^d
May be made parties defendant to this bill That

The Defendant Amanda Edds widow to be
required to answer it. Several allegations on
oath that she knows whether or not she claims
down in her husbands interest in said land
That a guardian ad. litem be appointed
and required to answer for the infants
That upon a final hearing partition be
made of said land if the same can be done
without material injury to the value of said
tract of land. and That if partition cannot
be made of said land then That said land
be sold and the proceeds be partitioned be-
tween those entitled thereto according to
respective rights and for such other fur-
ther general and special relief as is suited
to your Orators case, and as in duty he
will ever pray &c. May Spc issue &c.

Richmond Duncan & Orr.

For Plaintiff.

Clerk to Decr 83 \$0.
 County clerk 1
 J. & L. 5-
 Sheriff 3-
 Estimating 15-
 Estimated 8 00

Sheriff \$38.62
 1.5-
 \$40.12

H C \$12.41 to July 1893.

vs Jessie R Eddo
 vs Bill in chcy

Amada Eddo et al

1883 Feb 2, Bill Filed
 Sp. Ed. E. N. to assist
 J. & L. to assist
 Mr. D. N. to assist
 to infant depts and
 cause set for hearing by J. & L.

1883 Mr. Decree & Court
 ii Aug Decree & Court
 ii Nov Court

1884 Mr. Decree & Court

1885 Continued

1886 Continued

1887 Continued

1888 Continued

1889 Continued

1890 Mr. Decree & Court

ii Aug & Decr

1891 Court this year

1892 Mr. Decree & Court

1893 Court this year

To the Hon. Jno. A. Kelley, Judge of the
circuit court of Lee County, Va
The answer of Wm. A. Orr, Guardian
ad litem for Margaret Edds, Henry
Edds, Ida Edds, Charles Edds and
Martha J. Edds, Infants &c To a Bill
filed in this Court by Jesse P. Edds
against these Wards and their
mother Amanda Edds.

Answering, this Respondent says
that he knows of no defense that
he can now make for his Wards.
But Courts of Equity being the peculiar
guardians of the rights of infants,
Respondent begs leave to place the
rights of his Wards into the hands
of your Honor. Having now
answered as fully as is deemed
necessary, Respondent begs to be
dismissed with his Costs.

Wm. A. Orr Guardian
ad litem.

Subscribed to before me, Wm.

1883.

James W. Orr Commissioner
in chancery,

Low a. Orr Guardians
ad fitem

ado } Annuum

Jesse R. Codd

Filed March Rules 1883.

J. A. Hyatt
clerk

True & Co

Jesse R Eddo
vs.

Amanda Eddo et als.

It being admitted in open Court that the Plaintiff Jesse R Eddo has no further interest in the subject matter of this suit. The same is Stricken from the docket as to him But it being stated that there are some other matters not yet fully settled as to the heirs of H R Eddo. who are defendants in this case, the Cause is kept on the docket in their name and is to be hereafter prosecuted for their benefit and at their expense, and the cause is continued and it being further admitted that the said Jesse R Eddo paid up the costs to the date of the last Report in the cause said heirs will pay all costs accumulated since that time And the cause is continued.

J. R. Edds
no 3 Dec
Amanda Edds to
Entered Chy
O. B. page 389
April 9th 1892
J. H. Stutte

Enter this dec
H. L. K. M.
April 9th 1892.

James R Edds

vs

Benjamin

of Enslay

Amada Edds et al

3 Dfts

This cause came on this day
to be again heard on the papers formerly
by read ~~the report and deed of~~
G. T. Duncan Special Commissioner
This day filed and was argued by counsel
and said deed and report being unac-
cepted to all each confirmed and said
James R Edds is permitted to withdraw
said deed from the files of this cause
for record, but before doing so he
must pay said Duncan five dollars
for making and executing this deed
And all matters in this suit not being
settled the cause is continued

Issued R Eddes
vol 3 Dec 1890

Amanda Eddes it is
entirely A.B. L
257 J. A. G. Hyatt

Enter this diary
April 2nd 1890
H. S. K. M.

Jesse R Redds

Plaintiff

vs

Aminda Redds et al

Defts.

in chcy.

This cause came on again this 29th day of March 1884 to be again heard upon the papers formerly read in the cause the report of C.T. Duncan Commissioner filed on the 1st day of February 1884 and was argued by counsel on consideration whereof and for reasons appearing to the Court said report being unaccepted to is together with said sale confirmed, and it is further adjudged ordered and decreed that, said Commissioner B.T. Duncan, proceed to collect the note due entire to him for the purchase price of said land, when it becomes due, but before doing so he will execute bond before the Court of this Court in a bond of \$800 conditioned to faithfully pay over and account for all moneys collected by him, he will report his action to a future Term of this Court and the cause is continued

Jesse R. Eads.

rs- $\frac{1}{3}$ Duane

Amanda Eads et al

Entered page 375:

J. A. Hyatt
Clerk

Enter This duane

In A. K.
March 27th 1884

Jessie R Edds.

Pltff

against

Amanda Edds et als. Defts

In Chancery.

This cause came on again this day to be heard upon the papers formerly read in the cause and the report of Eli Davis, P. P. Fugate & H. C. T. Richmond, Commissioners, filed in the cause August 14th 1883, and was argued by counsel, In consideration whereof, the Court is of opinion, from the report of said Comrs., that it will be to the interest of the infant defendants to sell their interest in the land in the bill mentioned, and the plaintiff consenting to a sale of the said tract of land. It is adjudged, ordered & decreed that C. T. Duncan, who is hereby appointed a special Commissioner for the purpose, do proceed, at the front door of the Court house of Lee County, on some Court day, to sell to the highest bidder, on a credit of one & two ~~three~~ years, the land in the bill mentioned, having first advertised the time, place & terms of sale for at least 30 days prior thereto, by written advertisements posted on said Court house door and ^{at least at} two public places in the vicinity of said land, ^{said} said Commissioner will require

Jesse R Eddels.

vs Deere

Amanda Eddels et al.

Entered page 332

J. H. Hyatt

Clk

Enter this decree
Sept 3rd 1883.

J. H. Hyatt

paid in hand a sum sufficient to pay the costs
of this suit + expense of sale, and for the residue
he will take bonds to himself as ^{with security} ~~can~~ payable
in one + two years with interest from date, and
report his action to court, and the cause is continued.

Jesse R Edds.

Plaintiff

vs

In Chancery.

Amanda Edds et als.

Defendants

This cause came on This 30th day of March 1883 to be heard upon the bill of the Plaintiff and exhibits filed therewith; the answer of the infant defendants by W^m A Orr their Guardian ad litem and was argued by counsel, and it appearing to the Court that process has been duly served upon the adult defendant the time required by law and that she has failed to appear answer plead or demur, the bill is taken for confessed as to her. On consideration where of and it appearing to the Court that the Plaintiff is entitled to an equal moiety of the land in the bill and proceedings mentioned, and that the heirs of Robert H Edds who are the defendants to this suit are entitled to the other moiety of said land, and that said Plaintiff is entitled to have partition of said land, but the Court not being satisfied that partition in kind can be made, it is therefore adjudged ordered and decreed that H. C. T. Richmond Eli Davis and Peter J. Hugate who are appointed Commissioners for the purpose do go on the lands in the bill and proceedings mentioned and ascertain first whether or not said lands are susceptible of partition without injury

to the rights of the parties in interest. and if they find that the same cannot be done they will report that fact to this Court, they will also report whether or not in their opinion it will be to the interest of the infant defendants to sell this interest in said land, But if said commissioners should be of opinion that said lands are susceptible of partition, then they will proceed to lay off and assign to the Plaintiff one equal moiety of said land and to the heirs of Robert H Eddels the other equal moiety of said, ~~showing due regard~~ to quantity and quality they will report their action to a future term of this Court and the cause is continued.

Jesse B Eddels

vs M Deacon

Amanda Eddels et al

Entered page 305.

J. A. G. Wyatts
Clerk

Enter this decree

J. A. G. K.

March 28th 1883.

Virginia

At a Circuit Court Continued and
held for Lee County at the Court
house thereof on 30th March 1883.

Jessie R. Edds

Plff

vs

In Chancery

Amanda Edds et al Defts

It is therefore adjudged
ordered and decreed that W. C. S. Richmond
Eli Davis, and Peter A. Fugate, who are
appointed Commissioners for the purpose
do go on the lands in the bill and procu-
dings mentioned and ascertain; first whether
or not said lands are susceptible of partition
without injury, to the rights of the parties in
interest, and if they find that the same cannot
be done, they will report that fact to this Court,
they will also report whether or not in their
opinion, it will be to the interest of the infant
defendants, to sell their interest in said land.
But if said Commissioners should be of opi-
nion that said lands are susceptible of par-
tition, then they will proceed to lay off and
assign to the Plaintiff one equal moiety
of said land; and to the heirs of Robert
H. Edds the other equal moiety of said
land, having due regard to quantity
and quality, they will report their action
to a future term of this Court and the cause
is Continued.

A Copy Teste:-

J. A. Hyatt
clerk

(3 copies)

Jeane R. Edds

vs Copy of Decree
for Court.

Amanda Edds et al

Executed by delivering
Copies of the within to
Parties June 1st 1883,

Thos Ely S^r, C^l

We the undersigned Commissioners appointed
by the Circuit Court for Lee County in
the case of Jesse R Eddy p^tf v^s Amanda Eddy
et al. de^fs. Respectfully report that they
went upon the lands - and found about
13 acres, on the South Side of road, one half tolerably
steep - and badly fenced with little or no rail
timber, we found about 10 acres timbered
land on the extreme north side of said
tract - the balance very poor land - with a cover
of Sedge grass. The land if divided would
have to be separated into 4 parcels - that
the south part of the land cannot be fenced,
because rails could not be hauled without
great difficulty, owing to the steepness of the
ground. We are therefore of the decided
opinion that it would be to the
interest of the widow and infant heirs
to make sale of the land, also we are
informed by Jesse R Eddy p^tf that he
will allow the whole of the tract to be sold
and that he will bid Four hundred
Dollars for the half of the land
belonging to him of R H Eddy de^fs. The
de^fs in the said suit - , very little can
be realized for infant heirs by renting said
land. Aug 11th 1883 Respectfully Submitted
Eli Davis. P P Dingle & H C O Rechner Coun.

Leasee R. Edds
vs ³/₃ Corners. Report
Amanda Edds et al

Filed Aug 14. 1883.
J. A. Hyatt
Clerk

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va

The undersigned Commissioner in
the Chancery Cause of Jesse R. Eddo vs Susan
du Eddo et al, would respectfully report that
pursuant to a decree rendered in this cause
heretofore he on the 19th day of December 1883
sold the tract of land in the bill mentioned
and at said sale Jesse R. Eddo became the
purchaser, of the whole of said tract at the
price of \$800. he paid me down the cost of said
sale amounting to \$40.12 and this sum I deducted
from said sum of \$800 which left a balance
of \$759.88 which I divided into two equal
parts one of which he conveyed to the purchaser
~~the~~ to the infant defendants and this
sum thus belonging to them was \$379.94, and
from this sum I deducted my commission
of \$7.00 which was paid down to them, and
took the said Eddo note for the residue \$362.94
payable in two equal installments due respec-
tively in one & two years from date with interest
from date, with A. C. T. Richmond, as surety
which surety is good and ample, and the
sale a good one in my opinion.

Respectfully submitted

Dec 19th 1883.

C. T. Duncan Commissioner

Jesse R. Edds
vs $\frac{1}{3}$ Report of Court
Amanda Edds et al

Filed Feb 1st 1884
J. A. S. Hyatt C

1 Jesse R Edds

2 vs

3 In Chancery.

4 Amanda Edds Trs.

5 The undersigned Special Commissioner
6 in the above styled cause beg leave to report
7 that the said Jesse R Edds who was the purchaser
8 of said tract has fully paid the purchase money
9 agreed by him to be paid for said land, and
10 is now entitled to a deed for the same, and
11 accordingly I have made him a deed to the
12 same and file the same herewith and ask that
13 it be confirmed

14 April 2^d 1890. Respectfully submitted,

15 G. L. Dunsen, Commissioner

Thaenidia latilobata

Thaenidia latilobata

This Deed made this 9th day of October one thousand eight hundred and fifty seven between Abbot G. Coll and Lucy his wife of Lee County and State of Virginia. of the one part, and Jesse R. Edds and Williamson Hamblen of the same County and State of the other part, Witnesseth that the said Abbot G. Coll and Lucy his wife for and in consideration of the sum of eight hundred ~~hundred~~ Dollars to them in hand paid by the said Jesse R. Edds and Williamson Hamblen the receipts whereof is hereby acknowledged hath this day bargained sold and delivered unto the said Jesse R. Edds and Williamson Hamblen all the tract of Land that we now live on lying and being in Lee County and State of Virginia, and on the waters of Martins creek and bounded as follows to wit: Beginning at three fums near the top of a ridge thence S 43° E 20 poles to a dogwood on a line of R. M. Bales land and passing corners of said Bales S 3° E 15 poles to two beeches corner to said Bales land thence leaving said line S 85° W 120 poles to two white oaks and dogwoods, thence N 68° W 20 poles to two beeches corner to James Campbell decess: thence with a line thereof N 27° E 205 poles to a white oak and thence S 45° E 16 poles to the beginning containing one hundred acres more or less except seven acres sold to John Hamblen

by Nathan Hobbs as will show by deed together with
all its appurtenances thereunto belonging unto
the said Jesse R. Edds and Williamson Hemblin
and their heirs forever and the said Abbot
G. Boll and Lucy his wife for themselves and
their heirs doth covenant to and with the said Jesse
R. Edds and Williamson Hemblin and their heirs
that they the said Abbot G. Boll and Lucy his
wife will warrant and defend the right
of the foregoing tract of land generally except
the seven acres sold to John Hemblin by Nathan
Hobbs; In witness whereof we the said Abbot
G. Boll and Lucy his wife have hereunto set
our hands and affixed our seals the day and
year first written,

Abbot G. Boll Seal

Lucy ^{his} _{ward} Boll Seal

Lee County to wit:

I Robert M. Bales a Justice of the Peace for the
County of Lee and State of Virginia do hereby certify
that Abbot G. Boll a party to the foregoing deed
bearing date on the 7th day of October 1857, acknowl-
edged the same before me in my own county, Given
under my hand this 7th day of October 1857.

Robert M. Bales J. P.

Lee County to wit-

We Robert M. Bales and Fielding Seal
both Justices of the peace for the County of Lee

and State of Virginia, do hereby certify that
Lucy the wife of Abbot B. Cole and parties
to the foregoing deed bearing date on the 9th day
of October 1857, being examined by us privi-
ly and apart from her husband and having
the deed aforesaid fully explained to her
she the said Lucy Cole acknowledged that
she had willingly signed sealed and ~~and~~
delivered the same, and wished not to re-
tract it, Given under our hands this 9th
day of October 1857

Robert M. Bales J. P.
Fielding Seal J. P.

Lee County Clerk's Office the 26th day of Octo-
ber 1858
This Indenture of bargain and sale for
land between Abbot B. Cole and Lucy his
wife of the one part, and Jossee R. Edds &
Williamson Harbelen of the other part. was
admitted to record upon the certificates of
two Justices of Lee County

H. J. Morgan C. C.

Attest
John R. Gibson Clerk

J. R. Caddis et al
From Copy of Deed
Abbot Hole Swamp
Deed Book No 14.
P. 87.

Fee for this copy 60¢

This Deed made this 9th day of November
1854. between John Hamblen & Polly his wife
of Lee County and State of Virginia, of the one
part, and Robert H. Edds of the same County and
State of the other part, Witnesseth that the said
John Hamblen and Polly his wife, for and in
consideration of the sum of Four hundred
Dollars to them in hand paid the receipt
whereof is hereby acknowledged hath this
day bargained sold and delivered unto the
said Robert H. Edds and his heirs forever
all their right title interest and claim in
and to a certain tract or parcel of land
lying and being in the County of Lee and
State of Virginia and on the waters of Mar-
tins Creek it being the one half of the tract
of land that Jesse R. Edds and our son Wil-
liamson Hamblen it being the undivided
half of said tract of land supposed to con-
tain one hundred acres be the same more
or less the precise and bounds can be ascer-
tained by reference to deed from A. B. Cook
to Jesse R. Edds and Williamson Hamblen
together with all its appurtenances thereunto
belonging unto the said Robert H. Edds
and his heirs forever and the said John
Hamblen and Polly his wife doth cov-
enant to and with the said Robert H. Edds

and his heirs that they the said John Hamblen and Polly his wife and their will warrant and defend the right of the above land generally, Witness our signatures and seals.

John ^{his} Hamblen Seal
Polly ^{mark} Hamblen Seal

Lee County to wit,

I Robert M. Bales a Justice of the Peace for the County of Lee and State of Virginia, do hereby certify that John Hamblen whose name is signed to the foregoing deed bearing date on the 9th day of November 1858 acknowledged the same before me in my County, given under my hand this 9th day of November 1858.

Robert M. Bales J.P.

Lee County to wit.

We Robert M. Bales and Fielding Seal both Justices of the Peace for the County of Lee and State of Virginia do hereby certify that Polly Hamblen the wife of John Hamblen and parties to the foregoing deed bearing date on the 9th day of November 1858, and herunto annexed personally appeared before us in our County aforesaid and being examined by us privily and apart from her husband and having the deed aforesaid fully explained to her she the said

Polly Hamblen acknowledged that she
had willingly signed sealed and de-
livered the same and wished not to
retract it, given under our hands and
Seals this 9th day of November 1858.

Robert M. Bales J. P.

Fielding Seals J. P.

Lee County Court Clerks office the 5th day
of January 1859. This indenture of bar-
gain and sale for land between John
Hamblen and Polly his wife of the one
part, and Robert H. Edds of the other part,
was admitted to record upon the certificates
of two Justices of this County,

H. J. Morgan & C.

Attest

Teste John R. Gibson clk

R. H. Cullen
From Copy of Deed
John Hamblers wife
Deed Book No 14.
P. 129.

Fee for copy .50¢

Recd of C. T. Duncan loaner Six dollars &
fifty two cents my fee as clerk in the above
any cause of Jesse R Edds vs Amanda
Edds et al. This 29th day of Decr 1883.
J. A. Hyatt Clerk

J. A. Ghyatt

7. $\frac{1}{2}$ Rept

6. T. Dine and Co.

R. of C. T. Dunsan born, in the chancery
Case of Jesse B Edds vs Amanda Edds
& other, one dollar & Ten Cents, my fee
as County Court Clerk in said case.

This Decr 29th 1880.

John R. Gibson clerk

J. B. Gibson

To $\frac{1}{2}$ Recpt

C. L. Dunsen ^{Cour}

Virginia Lee County To wit

This day Susan Potent who has this day instituted a suit in the Circuit Court of Lee County Virginia against one William R Graham. That her claim against him is just and due That she is entitled to and ought to recover in said suit the sum of Twenty five dollars at the least

50 -

2/362.94

181.47

10.88 82

18147

192.35

2

362

38470

300.00 Water

8470 Living

\$3.00

Received of Jesse R. Edds Three ^{dollars} my
fee against him for serving Spas in
Chancery in the Chas. Cause of said
Edds against Amanda Edds et al
this 22nd January 1884.

W^m Woodward

acting Const

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

Maranda Eddds widow and Margaret Eddds, Henry Eddds, Ida Eddds, Charles Eddds and Martha G Eddds infant heirs of Houston Eddds decd

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against
them by *Jessie R Eddds*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this ~~30th~~ *1st* day of *February* 1883; in the *107th* year of the Commonwealth.

J. A. G. Hyatt

CLERK.

I certify that Wm Woodard this day personally appeared before me in my county and made oath that on the 3rd day of February 1883, he delivered to each of the within named defendants the office copy of the within writ given under my hand February 7th 1883.

James W. Carr, Comm.
in Chancery.

James R. Cools
vs
James W. Carr
Chancery
James R. Cools et al
February Rules 1883.

For return of the Clerk's office of the Circuit Court of the State of New York

next to the rule to be made in the Court's office in the case of the within named defendants

James W. Carr, Comm. in Chancery

Let of the Court

CLERK